

**Prepared Statement of
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Mr. Chairman, Mr. Ranking Member, and Members of the Committee, thank you for inviting me to appear today to share my thoughts with you on the topic, Management Challenges Facing the Department of Homeland Security.” This being relatively early in the new year, the new presidential term, and the tenure of the new leadership team at DHS, now is a good time to assess what the department has achieved in its first two years of operation and what remains to be done to secure the homeland.

As I speak to various audiences, I’m often asked whether the nation is safer than it was on 9-11. The good news is that the answer to that question is an unequivocal yes. Since America was attacked on 9-11 by means of airplanes, it is not surprising that the greatest strides have been made in the area of aviation security. Today, cockpit doors are hardened, some pilots are armed, the number of air marshals covering flights has been significantly increased, airports are better protected, and airport screeners are better trained and more sensitized to the critical role that they play as the first line of defense against would-be terrorists.

But, the bad news is that whether we’re safer today than we were four years ago isn’t the only question. And, in the scheme of things, it’s not the most important question. The key questions are – are we as safe as we need to be; are we as safe as we can be; and are we as safe as we think we are. The answer to all these questions, sadly, is no.

Even in the area where the most time, attention, and resources have been invested, aviation security, serious vulnerabilities remain. Just yesterday, in fact, confirming my worst fears, the GAO and the DHS Office of Inspector General released reports showing that, for all their training and sensitization, screeners are still no better able to detect guns, knives, and explosives concealed on passengers themselves or hidden in passenger luggage than they were on 9-11.

As demonstrated so graphically by an ABC News investigative team which managed to smuggle undetected the same shipment of depleted uranium into two different American ports on two different occasions, our ports remain vulnerable to terrorist penetration. And, as demonstrated by a recent OIG report, monies intended to secure the ports have on occasion been directed to projects of dubious value.

Despite, the attack on a train station in Spain in March of last year, which Europe considers to be its 9-11, relatively little has been done in this country to secure mass transit and rail transportation.

In the area of border security, the department is to be applauded for the progress that it has made on the U.S. VISIT entry-exit biometrics based immigration system. For the first time in our history, we are moving toward keeping track of who is entering our country through legal immigration channels and whether they are leaving when they are supposed to. But, as a recent OIG report points out, most visitors who enter our country by land do so from Mexico and

Canada, and most of those countries' citizens aren't subjected to U.S. VISIT. And, while the system has been extended to the 50 busiest land crossings, it is perhaps even more important that it be made operational as soon as possible at the least busy and most remote crossings, since it is there that terrorists are likeliest to try to enter. Moreover, the exit feature is only in the pilot stage. Finally, as pointed out in a recent report by the Justice Department's Inspector General, 99% of foreign visitors to the United States do not have their fingerprints checked against an FBI database that contains 47 million prints, including those of non-American citizens suspected of terrorism because the FBI and DHS/State Department biometric systems are not fully interoperable.

And, shockingly, according to another recent OIG report, aliens carrying stolen passports are usually permitted to enter the United States, even when the department's Customs and Border Protection inspectors are advised by "lookouts" posted in their computer systems that the passports are stolen.

Of course, the foregoing comments relate solely to vulnerabilities in border security that can be exploited by people who are attempting to enter our country legally. So, it is to say nothing of the ease with which millions of illegal aliens continue to enter our country, among whom even the former DHS Deputy Secretary acknowledged in recent congressional testimony could be operatives of Al Qaeda. It is critical that the new leadership team at DHS make closing these various security gaps the urgent national priority that it should be.

Another challenge is to complete the list of the nation's most critical infrastructure. Media reports from just a few months ago suggest that the present version of the list contains things like municipal golf courses and amusement parks that are obviously not critical to the security of the United States, and items that are and should be on the list, like nuclear power plants and oil and gas refineries, are not prioritized according to which are most risk of terrorist attack.

A third challenge is ensuring that the department has access to the intelligence it needs to protect the homeland. When I raised concerns last year that the creation of the CIA-led Terrorist Threat Integration Center and the FBI-led Terrorist Screening Center supplanted roles that were to have been and should be played by DHS and, that as a consequence, DHS would be marginalized, I was told that I didn't know what I was talking about and I was assured that DHS would have access to the information it needed. The recently released Silberman-Robb report shows otherwise. The commission found that the CIA and the FBI continue to keep information from DHS; that DHS and the FBI can't email each other; and, even, that DHS itself doesn't always share information with its federal, state, and local partners.

Finally, just a word about the department's organization, finances, and contracting practices. Part of the reason why the department remains so ineffective is that it is not yet fully integrated. To a significant degree, it remains merely a collection of variously dysfunctional components operating under a common name, logo, and motto. The CFO, the CIO, and the CPO need to be given the authority to hire, fire, and direct their nominal subordinates at the component level. The department needs to take accounting and financial management seriously, so that, for example, ICE, for lack of money, does not have to prematurely release detained illegal aliens. And, to ensure that there's adequate money to meet the nation's counterterrorism needs, the

department needs to put common sense contracting policies and procedures in place like competitively bidding all contracts, deciding on contract requirements itself and not relying on contractors themselves to do so; not contracting with “middle men” contractors who provide little or no services themselves; and not entering into contracts where the contractor has an incentive to overcharge.

I want to end, happily, on an optimistic note. I applaud the approach that the new Secretary of Homeland Security has taken. His emphasis on analyzing programs and operations and policies and procedures on a threat, risk, and consequences related basis, and then allocating scarce homeland security related dollars accordingly, is exactly the right direction in which to move. I have been impressed by his strategic approach to homeland security, and he appears to be serious about addressing the many problems that cry out for attention, while duly respecting civil rights and civil liberties.

With that, thank you again for this invitation, and I look forward to answering your questions.